

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	09/911,703	Group Art Unit:	1644
Confirmation No.:	4927	Examiner:	R. Schwadron
Filed:	25 July 2001		
Applicant:	Darrell R. ANDERSON et al.		
For:	Anti-CD20 Antibodies		

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF FINALITY

Sir:

The final Office action mailed 29 December 2006 states a new ground of rejection that was not necessitated by amendment or other action by the applicant. Accordingly, applicant believes that the finality of the Office action is premature and requests that it be withdrawn.

At ¶ 12 of the Office action mailed 29 December 2006, a new rejection of claims 21, 26, 41, 42, 58, 59, 69 and 70 under 35 U.S.C. § 102(a) based on "Anderson et al. (1991)" is stated. Applicant understands that the citation is to Anderson, D.R., *et al.*, "Immunoreactivity and effector function associated with a chimeric anti-CD20 antibody," abstract of a presentation at the Second IBC International Conference on Antibody Engineering, San Diego, 16-18 December 1991.

MPEP § 706.07(a) states that a second or subsequent action on the merits shall be final "except where the examiner introduces a new ground of rejection that is neither necessitated by amendment of the claims nor based on information submitted in an [IDS under § 1.97(c) (*i.e.*, an IDS after an action on the merits))]" (emphasis added). Neither condition applies to the newly introduced ground of rejection.